

FEDERAL LAW ENFORCEMENT TRAINING CENTER (FLETC)

SUBMISSION TO THE  
DATA REQUEST FOR CY 1997

FREEDOM OF INFORMATION ACT REPORT TO CONGRESS

1. (a) Total number of requests received under 5 U.S.C. 552, as amended: 91
- (b) Total number of initial determinations not to comply with a request for records made under subsection 552(a): [Partial and full denials based on FOIA exemptions. Do not include items listed under 2.(c) below.] 14

2. Authority relied upon for each such determination:

(a) Exemptions in 552(b) and number of times invoked:

(b)(1)	<u>0</u>	(b)(6)	<u>8</u>
(b)(2)	<u>0</u>	(b)(7)	<u>1</u>
(b)(3)	<u>1</u>	(b)(8)	<u>0</u>
(b)(4)	<u>7</u>	(b)(9)	<u>0</u>
(b)(5)	<u>1</u>		

(b) Statutes invoked pursuant to Exemption (b)(3):

<u>Statutory Citation</u>	<u>Number of Times Invoked</u>
5 U.S.C. 5529-----	<u>0</u>
13 U.S.C. 301(g)-----	<u>0</u>
26 U.S.C. 6103-----	<u>0</u>
26 U.S.C. 6104-----	<u>0</u>
26 U.S.C. 7213-----	<u>0</u>
26 U.S.C. 7431-----	<u>0</u>
31 U.S.C. 5319-----	<u>0</u>
35 U.S.C. 205-----	<u>0</u>
31 U.S.C. 5319-----	<u>0</u>
50 U.S.C. 403(D)(3)-----	<u>0</u>
Federal Rules of Criminal Procedure: Rule 6(e)-----	<u>0</u>
Other [cite statutes]-----	<u>1*</u>

\*[41 U.S.C. 2305(g) - National Defense Authorization  
Act for Fiscal Year 1997]

- (c) Other authority (specified by any one of the following categories or described separately, as appropriate):

<u>Reason</u>	<u>Number of Times Invoked</u>
Records not maintained-----	<u><b>11</b></u>
No records located-----	<u><b>5</b></u>
Not FOIA-----	<u><b>0</b></u>
Imperfect requests [31 CFR 1.5(c)(1)-(7)]-----	<u><b>8</b></u>
Referred in full, intra-agency-----	<u><b>0</b></u>
Referred in part, intra-agency-----	<u><b>2</b></u>
Referred, inter-agency-----	<u><b>2</b></u>
Appeal prior to initial determination-----	<u><b>0</b></u>
Request withdrawn by requester-----	<u><b>2</b></u>
Nonpayment of outstanding FOIA bill-----	<u><b>0</b></u>
Denial of fee waiver request-----	<u><b>0</b></u>
Records previously furnished-----	<u><b>0</b></u>
Failure to provide authorization-----	<u><b>0</b></u>
Closed without determination-----	<u><b>0</b></u>
Records destroyed in due course-----	<u><b>0</b></u>
Records damaged-----	<u><b>0</b></u>
Duplicate request-----	<u><b>0</b></u>
[Other reason]	

3. List name and title, or position, of the person who was responsible for the initial denial of records requested and number of instances of participation: [The total number of all denials must equal the total number of partial and full denials shown in item 1(b).] List here or include attachment.

<u>Name</u>	<u>Title/Position</u>	<u>Number of Denials</u>
Dan Fischer	Information Resource Management Officer	<u>13</u>
William H. Dooley	Information Management Specialist	<u>1</u>

4. Total number of intra-agency appeals from adverse initial decisions made pursuant to subsection (a)(6) of the FOIA: [The sum of (a), (b), (c), and (d) must agree with the total figure reported.] 3

(a) No. of appeals in which, upon review, request for information was granted in full: 0

(b) No. of appeals in which, upon review, request for information was denied in full: 3

(c) No. of appeals in which, upon review, request for information was denied in part: 0

(d) Pending appeals: 0

Note; "No record" appeals, if upheld, should be counted under (b), "denied in full."

5. Specific authority relied upon for total or partial denials on appeal:

(a) Exemptions in 552(b) and number of times invoked:

(b)(1)	<u>0</u>	(b)(6)	<u>0</u>
(b)(2)	<u>0</u>	(b)(7)	<u>0</u>
(b)(3)	<u>0</u>	(b)(8)	<u>0</u>
(b)(4)	<u>0</u>	(b)(9)	<u>0</u>
(b)(5)	<u>0</u>		

## (b) Statutes invoked pursuant to Exemption (b)(3):

<u>Statutory Citation</u>	<u>Number of Times Invoked</u>
26 U.S.C. 6103-----	<u>0</u>
26 U.S.C. 6103(a)-----	<u>0</u>
26 U.S.C. 6103(b)(2)-----	<u>0</u>
26 U.S.C. 6103(e)(7)-----	<u>0</u>
Federal Rules of Criminal Procedure: Rule 6(e)---	<u>0</u>
Other [cite statutes]-----	<u>0</u>

## (c) Other authority (specified by any one of the following categories or described separately, as appropriate):

<u>Reason</u>	<u>Number of Times Invoked</u>
Not an appeal as defined by FOIA or Treasury Regulations-----	<u>0</u>
Record does not exist-----	<u>3</u>
Withdrawn by requester-----	<u>0</u>
Denied fee waiver-----	<u>0</u>
Litigation commenced due to failure to respond on time-----	<u>0</u>
Records not requested originally-----	<u>0</u>
All records already released to requester-----	<u>0</u>
Requester did not file appeal within the 35-day period-----	<u>0</u>
Referred intra/inter-agency-----	<u>0</u>
Duplicate of previous appeal-----	<u>0</u>

6. List name and title, or position, of the person who, on appeal, was responsible for the denial in whole or in part of records requested and the number of instances of denial. [The total number of denials on appeal must equal the sum of items 4(b) and 4(c).] List here or include attachment.

<u>Name</u>	<u>Title/Position</u>	<u>Number of Denials</u>
Charles F. Rinkevich	Director, FLETC	<u>3</u>

7. Attach a copy of each court opinion or order giving rise to a proceeding under a subsection (a)(4)(F) of the FOIA; a copy of the Office of Personnel Management's findings and recommendations on each such proceeding; and a report of the disciplinary action taken against the officer or employee who was responsible for improperly withholding records or an explanation of why disciplinary action was not taken.

Number of documents attached: 0

8. Attach rules or regulations issued pursuant to, or in implementation of, the Freedom of Information Act. [Only amendments made during the reporting period are reported here.]

Number of documents attached: 0

9. Attach a copy of the fee schedule adopted and the total dollar amount of fees collected for making records available:

Amount collected: \$2,777.96

10. Pursuant to subparagraph (e)(7), the following information is provided indicative of efforts to fully administer this section:

- (a) Availability of records. A list of all new categories or segregative portions of records now being released upon request.

**NONE**

- (b) Costs. Incremental costs incurred in administering the Act. The best estimate of direct and indirect costs for CY 1997:

**\$6,481.45**

- (c) Compliance with time limitations for agency determinations. Subparagraph (a)(6)(A) of the FOIA provides for an initial determination to be made on any request for records within ten (10) working days of its receipt. In case of an appeal from and initial denial, a determination on the appeal is to be made by the agency within twenty (20) working days after receipt of the appeal. The amendments contain two provisions for extension of the foregoing time limits: (1) and additional ten day in three types of unusual circumstances, and (2) where authorized by the court.

- (1) The total number of instances in which it was necessary to seek a statutory 10-day extension of time was: 0

broken down as follows:

- a. The need to search for and collect the requested records from field facilities or other establishments that are separate from the office processing the request: 0
- b. The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records which were demanded in a single request: 0
- c. The need for consultation, which was conducted with all practicable speed, with another agency having a substantial interest in the determination of the request or among two or more components of the agency having substantial subject matter interest therein: 0

**\* Not Voluntary**

(2) The total number of instances where court appeals were taken on the basis of exhaustion of administrative procedures because the agency was unable to comply with the request within the applicable time limits: 0

(3) The total number of instances in which a court allowed additional time upon showing exceptional circumstances, together with a copy of each court opinion or order containing such and extension of time (attach copy of court order): 0

(d) Internal memoranda. All unpublished internal memoranda or instruction issued during CY 1997 setting forth procedures to be followed by agency personnel in administering the Act or defining its coverage, together with a statement indicating whether the memoranda or instructions are publicly available or, if not, the legal basis for nondisclosure of any such document.

Number of documents attached: 0

11. Number of court cases [received CY 1997]: 0